
(2021) 06 KL CK 0053
In the High Court Of Kerala
Case No : Writ Petition No. 11733 Of 2021

Sanilal M.S.

APPELLANT

Vs

Disposal Committee

RESPONDENT

Date of Decision : 03-06-2021

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2021) 06 KL CK 0053

Hon'ble Judges : Mary Joseph, J

Bench : Single Bench

Advocate : Latheesh Sebastian, N.B Sunil Nath

Final Decision : Disposed Of

Judgement

Mary Joseph, J

1. This writ petition is filed under Article 226 of the Constitution of India seeking for the following reliefs:

1. Call for the entire records relating to Ext.P1 to P3 from the respondents,
2. Issue a writ of mandamus or any other writ, order or direction to the 1st respondent to grant temporary custody of the motor bike bearing Reg.No.KL-16-S-9066

involved in C.R.No.10/2020 of Chirayinkeezhu Excise Range Office to the petitioner on furnishing executing bond for value of the vehicle fixed by the Mechanical

Engineer of the Excise Department as expeditiously as possible within a time limit as fixed by this Hon'ble Court;

3. In the alternate, issue a writ of mandamus or any other writ, order or direction to the 1st respondent to dispose Ext.P3 application of the petitioner for the temporary

custody of the motor bike bearing Reg.No.KL-16-S-9066 involved in C.R.No.10/2020 of Chirayinkeezhu Excise Range Office as expeditiously as possible within a time

limit as fixed by this Hon'ble Court.

4. Such other relief that this Honorable court may deem fit to render justice to the Petitioner;

2. This Court is declined to grant the 1st and 2nd reliefs in the writ petition for the reason that as revealed from the statement of facts, an application

has already been preferred before the appropriate authority, copy of which is appended to this petition as Ext.P3 and is pending consideration of them.

As the 3rd relief, the writ petitioner seeks for issuance of a writ of mandamus or any other writ, order or direction to the 1st respondent to dispose of

Ext.P3 application for obtaining the temporary custody of the motor bike bearing Registration No.KL-16-S-9066 involved in Crime No.10 of 2020 of

Chirayinkeezhu Excise Range Office as expeditiously as possible.

3. The learned Public Prosecutor takes notice for all the respondents. According to the learned Public Prosecutor due to the second wave of Covid-19

pandemic that the application was not pursued with.

4. This Court finds that Ext.P3 application was filed on 09.04.2021. About two months' time is already over. According to the petitioner, the

application has not been acted upon till date. There is no reason to doubt that the offices of the respondents are not functioning.

In the above circumstances, this Court is inclined to dispose of this Writ Petition with a direction to the 1st respondent to consider Ext.P3 application

filed by the petitioner for getting the vehicle released in interim custody after granting reasonable opportunity to him to submit his versions and to

dispose it of at the earliest possible opportunity within a period of three weeks, strictly in accordance with law.